## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at WINCHESTER

EDNA BRIGHT,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:17-cv-50
V.	)	
	)	Judge Mattice
CITY OF FAYETTEVILLE,	)	Magistrate Judge Steger
	)	
Defendant.	)	

## **ORDER**

On August 21, 2018, United States Magistrate Judge Christopher H. Steger filed a Report and Recommendation (Doc. 16) pursuant to 28 U.S.C. § 636 and the standing orders of this Court. In reviewing Plaintiff's application to proceed *in forma pauperis* (Doc. 12), Magistrate Judge Steger concluded that Plaintiff's complaint does not state a claim for which relief may be granted and that the Court lacks subject matter jurisdiction over this action. Accordingly, Magistrate Judge Steger recommends this action be dismissed and the application to proceed *in forma pauperis* denied as moot. (Doc. 16 at 5).

Plaintiff has not filed an objection to the Report and Recommendation.<sup>1</sup> The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions. When a plaintiff proceeds *in forma pauperis*, the Court must dismiss the case if, at any time, the Court

<sup>&</sup>lt;sup>1</sup> Magistrate Judge Steger specifically advised Defendant that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 16 at 5 n.2); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

determines that the action is frivolous or malicious or fails to state a claim on which relief

may be granted. 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). Since the filing of this action, United

States District Judge Travis R. McDonough has cautioned Plaintiff regarding her history

of repetitive, vexatious, and frivolous filings in this Court. (Case No. 4:17-cv-82, Doc. 5 at

5). To reiterate, Plaintiff Bright is put **ON NOTICE** that her ability to file new lawsuits

and documents in this Court may be restricted if she continues to file frivolous or

vexatious lawsuits and motions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's

findings of fact and conclusions of law. This action is hereby **DISMISSED WITHOUT** 

**PREJUDICE** and the application to proceed in forma pauperis (Doc. 12) is **DENIED** 

AS MOOT.

**SO ORDERED** this 16th day of October, 2018.

/s/ Harry S. Mattice, Jr.

HARRY S. MATTICE, JR. UNITED STATES DISTRICT JUDGE

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